UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,935	03/07/2000	Tom Wucherer	M-8331-US	9780

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EXAMINER
AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
2171	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/519,935	WUCHERER ET AL.
	Examiner	Art Unit
	Sana Al-Hashemi	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2003* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32-64* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Status: 32-37, 40-48, 50-58, 60-64, are rejected.

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 4/2/2003 has been entered.

Claim 36 is objected to because (he) is missing a (t) Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "said first type and second type of application program".

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

Claims 32-37, 40-48, 50-58, and 60-64, rejected under 35 U.S.C. 103(a) as being

unpatentable over Davies et al. (US Patent No. 5,913,907), and further in view of Krause (US

Patent No. 5,950206).

1.   Regarding Claim 32, Davies discloses all the steps of managing distributed data, (see

column 4, lines 19-23, Davies), with the exception that is the data is not explicitly applied to a

construction project. However, Krause discloses a method for managing the design and building

of a construction project (see Fig. 5, Krause), the method being executable by a host computer

system for processing and organizing building construction document and in particular, to an

apparatus and method for searching, tracking and organizing building projects (see column 1,

line 8- 12, Krause). It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify the Davies invention to apply to construction projects as (see column 1,

lines 8-25, Davies), as suggested by Krause. The motivation would have been to manage

distributed data, expand the utility of the Davies system and thereby increase the usable market

share. Also, the software needs to run on some type of platform.

        receiving a first type of data for the construction project input by a first application

program of at least a first type running on a first computer system to a central database (see Fig.

1, step 405, step 425, Davies)

        receiving a second type of data for the construction project input by a second application

program of at least a second, different type running on a second computer system to said central

database (see Fig. 2, step 405, column 4, lines 26-28, Davies)(see column 3, lines 26-35,

Krause);

generating a first message indicating a modification of the first data (see column 4, lines 1-8, Davies);

transmitting the first message to the second computer system (see column 6, lines 56-61, Davies);

wherein said first type and second type of application program comprise at least one of a computer aided design software application, a design database application, a procurement application, a facilities management application, or an accounting application (see Fig. 4, column 5, lines 51-58, Krause).

2.   Regarding Claim 33, the combined teaching of Davies and Krause disclose a method wherein receiving first type of data and receiving second data further comprises:

receiving said first and second data for storage into said central database via respective first and second interface databases (see Fig. 1, step 425, Davies).

3.   Regarding Claim 34, Davies and Krause combination system discloses a method wherein the method further comprises the host computer system reading the first type of data stored in the first interface database and notifying the second computer prior to storing the read first type of data in the central database (see Fig. 8 step 804, Davies).

4.   Regarding Claim 35, Davies and Krause combination system discloses a method wherein the method further comprises the host computer system monitoring the first interface database for predetermined changes to data stored therein, wherein the host computer system generates the first message in response to the host computer system detecting that the first data is stored in the first interface database (see Fig. 2, step 115, Davies).

5.   Regarding Claim 36, Davies/ Krause disclose a method wherein the central database is in

data communication with the host computer system, wherein the host computer system stores the

first type of data in the central database in response to the host computer system detecting that

the first type of data is stored in the first database (see Fig. 1, Davies).

6.   Regarding Claims 37, 40, 50, 52, 54, 58- 60, and 62- 64, Davies/ Krause disclose a

method wherein the first type of data comprises an object-oriented representation of a component

of a construction project (see column 1, lines 8- 25, Krause).

7.   Regarding Claims 41, 43, 44, 57, Davies discloses a method further including the steps of

monitoring a plurality of transactions to the first interface database, wherein each of the plurality

of transactions store data in the first interface database, wherein monitoring the plurality of

transactions comprises comparing the plurality of transactions against a predetermined

transaction;

        detecting a match between one of the plurality of transactions to the first database and the

predetermined transaction;

        generating said first message wherein said first message indicates that first type of data

has been stored in the first data base by the one of the plurality of transactions (see Fig 2, step

115, Davies);

        transmitting the first message to the second computer system (see Fig. 8 step 804, column

6, lines 40-43, Davies).

9.   Regarding Claim 42, Davies/ Krause discloses a method wherein further comprises:

        reading the first type of data stored in the first database in response to the host computer

detecting the match (see Fig. 1 step 405,Davies);

translating the first type of data into translated first data in response to the host computer

detecting the match (see Fig 2, step 115, Davies);

storing the translated first type of data into another interface database in data

communication with the host computer system in response to the host computer detecting the

match (see Fig 2, step 405, Davies);

wherein the host computer system is configured to read the first data from the first

interface database and the second data from the second interface database and store the first and

second data in the central database (see Fig 2, step 100, Davies).

10.   Regarding Claims 46, and 47, Davies/ Krause discloses a system wherein the host

computer system is configured to monitor a plurality of transactions to a first database, wherein

each of the plurality of transactions stores data in the first interface database (see Fig 1, Davies).

11.   Regarding Claim 48, Davies/ Krause discloses a system wherein monitoring the plurality

of transactions comprises comparing the plurality of transactions against a predetermined

transaction (see Fig 6, Davies).

12.   Regarding Claims 45, and 53, Davies/ Krause Discloses an apparatus comprising:

a host computer system coupled to a network (see Fig 1, step 415);

a central database of construction project objects in data communication with the host

computer system (see Fig. 1, step 105, Davies);

first and second interface databases of project objects of at least a first and second types

of application software, respectively, in data communication with the host computer system (see

Fig 1, step 400, Davies);

first and second computer systems including at least said first and second types of

application software, respectively, in data communication with the first and second interface

databases, respectively (see Fig. 3, 52, Krause[1]);

wherein the first interface database is configured to store first type of data received from

the first computer system running a first software application of at least a first type (see Fig. 2,

32, Krause);

wherein the second interface database is configured to store second type of data received

from the second computer system running a second software application of at least a second type

(see Fig. 2, 34, Krause);

wherein the host computer system is configured to read the first type of data from the first

interface database and the second type of data from the second interface database and store the

first and second data in the central database (see Fig. 2, 42, Krause); and

wherein said first type and second type of application program comprise at least one of a

computer aided design software application, a design database application, a procurement

application, a facilities management application, or an accounting application (see Fig. 4, column

5, lines 51-58, Krause).

13.   Regarding Claim 55, Davies/ Krause discloses a method operating on a host computer

system coupled to the Internet to manage the design and building of a construction project,

comprising:

storing first data received from a first computer system in a database, wherein the first

computer system operates at least a first type of application software and provides first data

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[1] Since the system request User ID and Password, it's inherent there are more than one user

comprising construction project objects of a first type; generating a first message corresponding

to a request to approve or reject storing the first data in the database (see Fig. 1 step 105,

Davies);

transmitting the first message to a second computer system, wherein the second computer

system is in data communication with the host computer system and the database and operates at

least a second type of application software providing construction project objects of a second

type (see Fig 8, step 804, Davies);

the second computer system generating a second message corresponding to an approval

or rejection of storing the first data in the database (see Fig 8, step 804, Davies);

removing the first data from the database if the second message corresponds to the

ejection of storing the first data in the second database, or maintaining the first data in the second

database if the second message corresponds to the approval of storing the first data in the

database (see column 3, lines 57-64, Davies).

14.   Regarding Claim 56, Davies/ Krause discloses a method wherein the method further

comprises the second computer transmitting the second message to the first computer system

(see Fig 4, step 310, Davies).

Claims 39, 51, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davies et al. (US Patent No. 5,931,907) in view Krause as applied to claims above, and further in

view of Burfield (US Patent No. 6,363,362).

15.   Regarding Claims 39, 51, 61, Davies/Krause combination system does not disclose a

method wherein the first or second type is accounting software. However, on the other hand

Burfield discloses a method wherein the first or second type is accounting software (see column

3, lines 15-20, Burfield). It would have been obvious to one of ordinary skill in the art to modify

the Davies/Krause combination system with Burfield' s software. The motivation would have

been to expand the utility of the Davies system and thereby increase the usable market-share.

Also, the software needs to run on some type of platform.

Response to Amendment

Applicant argues, "There is no motivation to combine the references"

Examiner disagrees. The examiner believes it's obvious to one of ordinary skill in the art

to combine the references, since in both references deals with data and Krause teaches the

method of searching and tracking construction projects stored in a database and making this data

accessible to the end users this data is inherently managed to be distributed to the users. And to

expedite prosecution examiner presents Davies which clearly teaches the method of managing

the distributed data. On the other hand, the motivation for combining Krause/ Davies in view of

Burfield. Applicant argues there is no motivation of combining the references. Examiner

disagrees. Krause does disclose the accounting as a step of the process as disclosed in (Fig. 5,

EST. cost) in order to calculate the cost the system must have an accounting module. However,

to expedite prosecution examiner presents Burfield that clearly teaches the method of using

accounting software as applied in the rejection dated 5/7/2003, page 8.

Applicant argues "receiving second type of data for the construction project input by an

application program of at least a second type via a second computer system to a central database"

Examiner disagrees. The combination for Davies and Krause does disclose the above-mentioned

limitation, referring to column 3, lines 26-35. Attorney cannot show non-obviousness by

attacking references individually where as here the rejection are based on combination of

references. In re Keller, 208 USPQ 871 (CCPA 1981). Referring to Krause Fig. 2, 32, and 34,

clearly shows there are more than one user to the system which in other words reads on first and

second user and referring to column 4, lines 7-15, Krause teach the method of receiving input

from different terminals.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROSPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
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December 2, 2003

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